

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JASON D. LEE,	)	
	)	
Plaintiff	)	
	)	No. 1:10-0071
v.	)	Magistrate Judge Brown
	)	
CITY OF CORNERSVILLE, et al.,	)	
	)	
Defendants	)	

**O R D E R**

Presently pending is the Defendants' motion to exclude a response or for leave to file a reply (Docket Entry 41). This motion is **GRANTED** in part and **DENIED** in part. The Court will not strike the Plaintiff's response and memorandum of law (Docket Entries 37 and 38).<sup>1</sup>

The Magistrate Judge will grant the Defendants' request to file a reply, and the **Clerk** will file the proposed reply attached as Exhibit 1 to Docket Entry 41.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge

---

<sup>1</sup>The Magistrate Judge, however, does not condone the belatedly filing of a response to the motion to dismiss (Docket Entry 34). Nevertheless, cases should be tried on their merits and the Magistrate Judge will consider the response, although again, the Magistrate Judge notes that in general responses to dismiss are limited to the record and pending motions to dismiss are not motions for summary judgment.